**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7824 OF 2006**

**AND**

**WRIT PETITION NO. 7833 OF 2006**

Vandana Kashinath Gamne
( Avhad ) .. Petitioner.

vs.

The State of Maharashtra
& Ors. . .. Respondents.

Mr. M.S. Karnik for petitioner.

**WRIT PETITION NO. 7833 OF 2006**

Nayana Pramod Avhad .. Petitioner.

vs.

The State of Maharashtra
& Ors. . .. Respondents.

Mr. M.S. Karnik for petitioner.

**CORAM : A.P. DESHPANDE, J.**

**DATE : 30th November, 2006.**

P.C.

. These two writ petitions involve a common

question in regard to the legality and validity of an order of transfer issued by the school management transferring the petitioners from Nashik to Rajapur and Shivare respectively. Aggrieved by the order of transfer, the petitioners filed civil suits seeking a declaration that the transfer is illegal and also prayed for injunction by filing temporary injunction applications which came to be rejected by the trial Court. The petitioners thereafter in compliance of the transfer orders resumed duties at the transferred place.

2. Being aggrieved by the order of the trial court, Misc. Appeals were carried. The Appellate court concurring with the view taken by the trial Court has found that the petitioners have failed to make out a prima facie case and that their exists a power of transfer with the respondent management and hence concluded against the petitioners. as concurrent finding of fact in regard to prima facie case, balance of convenience and irreparable loss are recorded against the present petitioners, no interference in exercise of jurisdiction under Article 227 is called for. The petitions thus stand dismissed summarily. However, having regard to the fact that on account of the transfer, the family of the petitioners stand disrupted as their husbands are working at Nasik, the suits need to be heard expeditiously. I hope and trust that the trial

Court shall proceed to decide the suits on merits as expeditiously as possible and at any rate within a period of six months from today.

**(A.P. Deshpande, J.)**